IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23650 of 2004

Between:

Smt. JAYAVARAPU PUSHPAVATHI, W/o. Gurunadham,
Pragadavaram, Chintalapudi (Mandal),
West Godavari District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Chintalapudi, West Godavari District.
2 Jayavarapu Veera Venkata Rama Chandra Rao, S/o. Maddiramayya

(Late), Sankuchakrapuram Village, Chintalapudi (Mandal),
West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ order or direction declaring the action of the 1st respondent in interfering with civil disputes and deciding the same by summoning the petitioner on the basis of the representation dated 30-11-2004 without any jurisdiction, power or authority as illegal, arbitrary, and unconstitutional.

Counsel for the Petitioner: MR.S.APPADHARA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: ----

The Court, at the stage of admission, made the following:

ORDER:

Questioning the action of the 1st respondent-Mandal Revenue Officer in interfering and deciding the civil disputes between the petitioner and the 2nd respondent by summoning the petitioner on the basis of the representation of the 2nd respondent dated 30.11.2004, the present writ petition is filed.

The case of the petitioner, in brief, is that the 2nd respondent is her brother-in-law and there are disputes between them with regard to partition of joint family properties. The grievance of the petitioner is that on the complaint made by the 2nd respondent, the 1st respondent-Mandal Revenue Officer, without any power or authority, issued notice dated 01.12.2004 to the petitioner directing her to appear before him on 06.12.2004. That on 06.12.2004, when she appeared before the 1st respondent, she was directed to handover the land claimed by the 2nd respondent and he made her to sit there till evening. Hence, the writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

The main grievance of the petitioner is that there are civil disputes between her and the 2nd respondent and the 1st respondent-Mandal Revenue Officer without any power or authority interfering with the same. The petitioner can very well raise the point of competency and jurisdiction before the first respondent. Admittedly, as on date, no order is passed against the petitioner and merely on an averment that the Mandal Revenue Officer is interfering with the civil disputes of the petitioner, this Court cannot interfere with the matter. If any adverse orders are passed by the first

respondent, the petitioner is at liberty to challenge the same before appropriate forum provided under law.

Subject to above observation, the writ petition is dismissed.

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(N.V. RAMANA, J)

Date: 20.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Chintalapudi, West Godavari District.
2 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT) 3 Two CD copies.